



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,212	11/21/2000	William J. Boyle	A-451K	2270
21069	7590	12/15/2003		
AMGEN INCORPORATED MAIL STOP 27-4-A ONE AMGEN CENTER DRIVE THOUSAND OAKS, CA 91320-1799			EXAMINER SCHWADRON, RONALD B	
			ART UNIT 1644	PAPER NUMBER
DATE MAILED: 12/15/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

122003

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment filed on 9/10/2003 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because of the following reasons.

The originally elected invention (claim 42) is drawn to an in vitro assay using ODAR, classified in Class 435, subclass 7.2.

Claims 43-54 are drawn to in vivo methods that test the ability of a compound to effect bone density, classified in 424, subclass 9.1.

These methods use different ingredients and different process steps to measure different parameters. The invention of claim 42 is an in vitro assay which uses a binding assay not used in the method of claims 43-54, whilst the method of claims 43-54 uses an animal not used in the method of claim 42 and measures bone density which is not measured in the method of claim 42. Therefore, the aforementioned methods are patentably distinct.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-4680. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.

RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1600 1600

Ron Schwadron, Ph.D.
Primary Examiner
Art Unit 1644